

## REMARKS

The Applicant has reviewed and fully considered the February 1, 2008 Office Action. Claim 46 was rejected under 35 USC 112, second paragraph, as being indefinite. Specifically Claim 46 was dependent upon Claim 17 which had been withdrawn. Claim 46 has been amended to be an independent claim and thus address this deficiency. The Applicant therefore respectfully request this rejection be withdrawn.

Claim 14 was objected to under 37 CFR 1.75(c). Claim 14 has been amended such that it now depends from Claim 1. As such, the Applicant respectfully requests this objection be withdrawn.

Claims 1-16 and 46 are rejected under 35 USC 102(b) as being anticipated by or in the alternative under 35 USC 103(a) as obvious over Lecomte (EP 0 304 351). Claim 1 recites the limitation of the material having stitch rupturing and laddering. With regard to the prior art, Lecomte discloses a method of forming a flexible textile material having a metalized appearance. The starting material is typically a 100% polyester material with a knitting interlock of gauge 28. A resin forming a metalized decoration is applied to the surface of the fabric during a rolling process. When the fabric is unrolled, the fabric is drawn to increase its width by approximately 4% while being transported through a vapor at 175°C. The silver plated material obtained from this treatment loses its brilliance. A further gilded resin is then applied to the fabric in a similar manner but to a reduced part of the surface to that already silver plated. The final fabric has a contrasted decoration, an upper metalized pattern which is shiny and a background matt pattern.

Lecomte does not disclose or teach stretching of the fabric sufficient to cause irreversible rupturing or laddering or the stitching of the fabric, or to further stretching of the fabric after the distressing process resulting in reversible appearance changes to the fabric. In addition, there is

no teaching to the stretching taking place in both a transverse direction and a longitudinal direction of the fabric during the distressing process.

The Applicant has indicated that the degrees of stretching in Lecomte would not result in any stitch rupturing of the fabric as proposed in the present invention. It is the stitch rupturing during the distressing process which is of key importance to the final appearance of the fabric. In order to show this, the Applicant has provided samples of coated fabric as per Lecomte (*i.e.* 28 gauge polyester with a metallic coating layer) which has undergone different levels of distressing.

Sample A has been stretched by 4% extension as per Lecomte.

Sample B has been stretched by 20% extension in a single direction of the fabric as per part of the Applicant's distressing process.

Sample C has been stretched by 20% extension in both a transverse direction and longitudinal direction of the fabric as per proposed amended Claim 1.

It can be seen from the samples that no stitch rupturing occurs to the fabric following 4% extension of the fabric (*i.e.* Sample A). Stitch rupturing does occur in the fabric on 20% extension (*i.e.* Sample B) but the reversible aesthetic effect of the material is not achieved until irreversible stitch rupturing/laddering has taken place following 20% extension in both a warp and weft direction (*i.e.* longitudinal and transverse directions) (*i.e.* Sample C).

On further stretching of Sample C in different directions, it can be seen that the appearance of the fabric can be reversibly changed.

Claims 2-16 and new Claims 47 and 48 all depend directly or indirectly from Claim 1. As such they contain all the limitations found in Claim 1. For the foregoing reasons, the Applicant respectfully requests the rejection of Claims 1-16 be withdrawn.

Claim 46 has been amended to include the limitation of the fabric having been expended in two directions. As outlined above, this limitation is not found or suggested in Lecomte. For this reason, the Applicant respectfully requests the rejection of Claim 46 be withdrawn.

It is the Applicant's belief the amendments herein place the application in condition for a Notice of Allowance, which is respectfully requested.

Enclosed is a Petition and Fee for a Three-Month Extension of Time. Please charge Deposit Account No. 50-1971 the amount of \$525.00 to cover this extension of time fee. Further, charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 50-1971.

Should any other amendments be necessary to place the application in condition for a Notice of Allowance, Examiner Matzek is invited to call the undersigned at the below noted telephone number.

Respectfully submitted,



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